

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 14-16 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Chu during the telephone interview held November 5, 2003 are appreciated. The reasons presented at the telephone conference as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

The Office Action rejects claims 1-4, 6-12 and 14-16 under 35 U.S.C. §103(a) over Shimano et al. (U.S. Patent No. 5,774,444) (Shimano) in view of Fujii (U.S. Patent No. 5,818,811) and Koyama et al. (U.S. Patent No. 6,141,302) (Koyama), claims 5 under 35 U.S.C. §103(a) over Shimano in view of Fujii and Kewitsch et al (U.S. Patent No. 6,274,288) (Kewitsch) and claim 13 under 35 U.S.C. §103(a) over Shimano in view of Fujii and Koyama and further in view of Tsai (U.S. Patent No. 6,285,652). Applicant respectfully traverses these rejections.

As agreed during the telephone conference, Shimano and the applied references do not disclose or suggest an optical reproduction apparatus comprising *inter alia* an irradiation optical system comprising an annular light shade, as recited in independent claims 1 and 14-16. Accordingly, Applicant asserts that independent claims 1 and 14-16 define patentable subject matter. Claims 2-4 and 6-12 depend on claim 1 and, at least for this reason, also define patentable subject matter. As such, Applicant respectfully requests that the rejection of claims 1-4, 6-12 and 14-16 under 35 U.S.C. §103(a) be withdrawn.

For at least their dependence on allowable independent claim 1, Applicant asserts that dependent claims 5 and 13 also define patentable subject matter. As such, Applicant respectfully requests that the rejections of claims 5 and 13 be withdrawn.

The Examiner identified two additional references, Sato and Ohba et al., which allegedly disclose an "annular light shade" feature, and asserted that these references overcome the above-described deficiency of the applied prior art. The Examiner is requested to make these references officially of record. A Form PTO-1449 is attached for the Examiner's convenience.

However, Applicant asserts that the new references identified by the Examiner cannot be combined with the currently applied prior art to render obvious Applicant's independent claims 1 and 14-16. First, no motivation has been identified for making such a combination. Second, Applicant asserts that combining these references with Shimano would prevent Shimano from performing as intended and/or change its principle of operation, because in contrast to an annular light input, Shimano in fact uses a reduced size light input by using a phase filter 15 to reduce the size of the incident light spot (col. 6, lines 18-24). Placing an annular light shade, either in conjunction to the filter 15 or in substitution of it, would defeat Shimano's intended purpose.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:TMN/dmw

Attachment:
Form PTO-1449

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